

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:19-CV-217-FL**

PRECISION METALS, LLC  
Plaintiff,

v.

MILLENNIUM HOME DESIGN, LLC, and  
TODD MACY,  
Defendants.

**ORDER of SANCTIONS**

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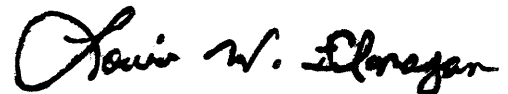
UPON PLAINTIFF's, Precision Metals, LLC's, Motion for Sanctions, filed 11 May 2020, this honorable Court finds as follows:

1. On 22 April 2019 Plaintiff filed a North Carolina state court action alleging thirty-seven (37) separate breach of contract claims, quantum meruit/quantum valebant, piercing corporate veil, conversion, and civil conspiracy, and Defendants were properly served.
2. On 24 May 2019 Defendants filed a Notice of Removal, Kevin Stanfield filed a Notice of Appearance on behalf of both Defendants, (DE 1 and 2), and on 25 June 2019 Jason Scheele filed a Notice of Appearance on behalf of both Defendants which was amended 01 July 2019. (DE 11 and 14).
3. On 28 June 2019 Plaintiff filed an amended Complaint substantially similar to the original complaint (DE 13) and on 12 July 2019 Defendants filed an Answer to the Amended Complaint including sixteen affirmative defenses but not complaining of any defect in service and requesting attorneys' fees and the costs of the action pursuant to N.C. Gen. Stat §75-1.1 (DE 15).
4. On 21 November 2019 Scheele filed a Motion to Withdraw the appearances of Scheele and Stanfield stating Defendants' failed to communicate with counsel (DE 21).
5. On 31 December 2019 the Court granted Scheele's Motion to Withdraw the appearances of Scheele and Stanfield and directed the appropriate forms sent to Defendants individually (DE 24).
6. On 17 January 2020 the Clerk of Court recorded the notice and forms sent to Defendants were returned as undeliverable (DE 25).
7. To date, Defendants have failed to comply with Local Civil Rule 5.2.

8. On 13 March 2020 the Court entered a new Order finding Defendants had failed to comply with Local Civil Rule 5.2, Ordering Defendant Millennium Home Design, LLC “to cause new counsel to file notice of appearance within 21 days”, and Ordering Defendant Todd Macy “to file notice of self-representation or cause new counsel to file a notice of appearance” within 21 days (DE 26).
9. To date, Defendants have failed to comply with the Court’s Order of 13 March 2020.
10. On 10 April 2020 and 21 April 2020 the Clerk of Court recorded the notice and forms sent to Defendant Millennium Home Design, LLC and to Todd Macy were returned as undeliverable (DE 27 and 28).
11. Absent counsels’ Motion to Withdraw, Defendants have had no contact with the Court since before 11 November 2019.
12. Defendants’ conduct has forestalled Plaintiff’s efforts in issuing written discovery, taking depositions, or complying with the Court’s scheduling order.
13. Plaintiff has been diligent in the pursuit of this action.
14. Defendants retained counsel for the sole purpose of avoiding default and subsequently have failed to follow Local Civil Rule 5.2 and the Court’s Order of 13 March 2020.

AND NOW, this 18th day of June, 2020, upon consideration of Defendants’ Motion for Sanctions: IT IS HEREBY ORDERED that Plaintiffs’ Motion to Strike Defendants’ Answer and Motion for Default are ALLOWED.

IT IS FURTHER ORDERED that Plaintiffs are given leave to file affidavits or other evidence in support of any Default Judgment that Plaintiff may seek.



Louise W. Flanagan  
United States District Court Judge